

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE: DDAVP INDIRECT PURCHASER : No. 05 Civ. 2237 (CS)  
ANTITRUST LITIGATION :  
-----X : HON. CATHY SEIBEL, U.S.D.J.  
THIS DOCUMENT RELATES TO: :  
: :  
ALL ACTIONS :  
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**DECLARATION OF JOSEPH H. MELTZER IN SUPPORT OF PLAINTIFFS' MOTION  
FOR AN AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES  
FILED ON BEHALF OF KESSLER TOPAZ MELTZER & CHECK, LLP**

I, Joseph H. Meltzer, declare and state as follows:

1. I am a partner of the law firm of Kessler Topaz Meltzer & Check, LLP, one of the counsel to Plaintiffs in this litigation. I am over 18 years of age and competent to testify as to the matters and facts set forth herein. I submit this Declaration in support of Plaintiffs' Motion For An Award Of Attorneys' Fees And Reimbursement Of Expenses, concerning services rendered and expenses incurred by my firm in connection with this litigation on behalf of Plaintiffs. The matters stated in this declaration are true based on my personal knowledge. If called upon to testify about them, I will competently do so.

2. During the period January 1, 2005 through August 30, 2013, my firm has been involved in the following activities on behalf of Plaintiffs: research and investigation of the relevant factual background and law for the initial complaint; drafting and filing the initial complaint on behalf of Helen Seamon; drafting and reviewing the consolidated amended complaint; drafting and finalizing oppositions to the motions to dismiss filed by defendants; coordinating and conducting review of documents produced by Defendants; engaging in discussions with co-counsel regarding filing the notice of appeal; and participating in settlement negotiations.

3. The schedule attached hereto as **Exhibit 1** is a summary indicating the amount of time spent by the partners, attorneys and other professional support staff of my firm who were involved in this litigation, and the lodestar calculation based on my firm's current billing rates for the period January 1, 2005 through August 30, 2013. The schedule was prepared from contemporaneous, daily time records regularly prepared and maintained by my firm and which are available for review by the Court.

4. The hourly rates for the partners, attorneys and professional support staff in my firm included in **Exhibit 1** are the same as the usual and customary hourly rates charged for their services in non-contingent billable matters.

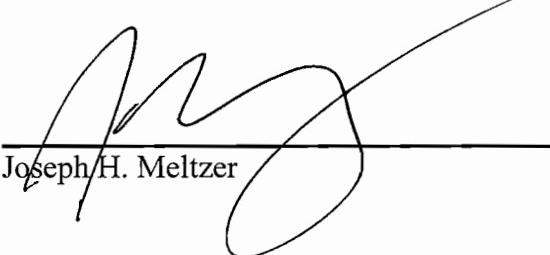
5. The total number of hours expended on this litigation by my firm from January 1, 2005 through August 30, 2013 is 1,205.35 hours. The total lodestar for my firm is \$409,446.25. My firm's lodestar figures are based on the firm's current billing rates.

6. As detailed in **Exhibit 2**, my firm has incurred a total of \$26,887.24 in unreimbursed expenses during January 1, 2005 through August 30, 2013, in connection with the prosecution of this litigation on behalf of Plaintiffs.

7. The expenses incurred in this action are reflected on the books and records of my firm. These books and records are prepared from contemporaneously maintained expense vouchers, check records and other source materials, and they represent an accurate recordation of the expenses incurred.

I declare under penalty of perjury under the laws of the United States of America and on personal knowledge that the foregoing is true and correct.

Executed on this 7th day of October, 2013.



Joseph H. Meltzer

A handwritten signature in black ink, appearing to read "Joseph H. Meltzer", is written over a horizontal line. The signature is fluid and cursive, with a large loop on the right side.

# EXHIBIT 1

**DDAVP Antitrust Litigation - Time Report****Kessler Topaz Meltzer & Check, LLP****Reporting Period: Inception - August 30, 2013**

| <b>Attorney</b>          | <b>Rate</b> | <b>Hours</b>    | <b>Current<br/>Lodestar</b> |
|--------------------------|-------------|-----------------|-----------------------------|
| Nauman Amjad (P)         | \$600.00    | 3.10            | \$1,860.00                  |
| Edward Ciolko (P)        | \$650.00    | 0.50            | \$325.00                    |
| Travis Harrell (PA)      | \$295.00    | 279.75          | \$82,526.25                 |
| Ronald Lopit (PA)        | \$300.00    | 2.50            | \$750.00                    |
| Joseph Meltzer (P)       | \$700.00    | 30.10           | \$21,070.00                 |
| Cassandra Murphy (A)     | \$500.00    | 14.50           | \$7,250.00                  |
| Paul Roath (PA)          | \$295.00    | 255.50          | \$75,372.50                 |
| Amanda Trask (A)         | \$525.00    | 3.40            | \$1,785.00                  |
| Edward Wasielewski (PA)  | \$295.00    | 316.50          | \$93,367.50                 |
| Gerald Wells (A)         | \$495.00    | 19.75           | \$9,776.25                  |
| Terence Ziegler (P)      | \$650.00    | 124.00          | \$80,600.00                 |
| Kendall Zylstra (A)      | \$425.00    | 7.30            | \$3,102.50                  |
| <b>Attorney Totals:</b>  |             | <b>1,056.90</b> | <b>\$377,785.00</b>         |
| <b>Paralegal</b>         |             |                 |                             |
| Claire Cimino            | \$215.00    | 6.50            | \$1,397.50                  |
| Cynthia Dwyer-Fonda      | \$225.00    | 7.25            | \$1,631.25                  |
| Anne Liebeskind          | \$225.00    | 67.70           | \$15,232.50                 |
| Lacey Russo              | \$200.00    | 67.00           | \$13,400.00                 |
| <b>Paralegal Totals:</b> |             | <b>148.45</b>   | <b>\$31,661.25</b>          |
| <b>TOTALS:</b>           |             | <b>1,205.35</b> | <b>\$409,446.25</b>         |

A = Associate

P = Partner

PA = Project Attorney

# EXHIBIT 2

**DDAVP Antitrust Litigation - Expense Report**

**Kessler Topaz Meltzer & Check, LLP**

**Reporting Period: Inception - August 30, 2013**

| <b>EXPENSE DESCRIPTION</b>           | <b>FINAL</b>       |
|--------------------------------------|--------------------|
| Court Reporters & Transcripts        | \$187.20           |
| External Document Reproduction Costs | \$10,713.14        |
| Filings                              | \$433.30           |
| Internal Document Reproduction Costs | \$190.80           |
| Litigation Fund Contributions        | \$12,500.00        |
| Meals, Hotels & Transportation       | \$859.51           |
| Messenger, Postage & Overnight Mail  | \$209.91           |
| Research                             | \$1,754.33         |
| Teleconferences                      | \$39.05            |
| <b>TOTAL EXPENSES:</b>               | <b>\$26,887.24</b> |